THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19487 OF 2005

DATED:2.9.2005

Between:

Syed Samdhani Basha

…Petitioner

And

Government of Andhra Pradesh and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19487 OF 2005

ORDER:

The petitioner is a resident of Ward No.44 of Nellore Municipal Corporation. He filed present Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in preparing draft voters list contrary to Gazette notification dt.6.6.2005 whereby and whereunder the Commissioner of Nellore Municipal Corporation, second respondent herein, informed delimitation of fifty wards of Nellore Municipal Corporation pursuant to provisions of Rule 11 of Hyderabad Municipal Corporation (Delimitation of Wards) Rules, 1996 (for short, the Delimitation Rules). The petitioner also seeks a direction to the respondents to consider the objections filed by the

petitioner on 28.8.2005.

The case of the petitioner in brief is as follows. By reason of Gazette notification dt.6.6.2005 issued pursuant to Delimitation Rules, the areas known as Mallikarjuna Nagar, Rami Reddy Channel on the Southern side of ward No.44 are included in ward No.37. Therefore, the persons living in ward No.37 are found included in the provisional electoral roll in the voters list of ward No.44.

With the assistance of the learned counsel for the petitioner, this Court has gone through the notification dt.6.6.2005 which prima facie supports the submission of the learned counsel for the petitioner. Reliance is also placed by the petitioner on Rule 5 of the Delimitation Rules which is to the effect that after preparation of electoral roll in accordance with Rule 3 of the A.P.Municipal Corporations (Preparation and Publication of Electoral Rolls) Rules 2001 (Electoral Rules, for brevity), the electoral rolls shall be divided into as many as lists as there are wards as per the delimitation of wards. Therefore, if persons living in Ward No.37 are included in the provisional list of voters pertaining to Ward No.44 without any valid reason, the same would be not proper.

As rightly pointed out by the learned counsel, Rule 6 enables a person to file objections to any entry in the rolls, at any point of time after publication of electoral rolls under Rule 5 Delimitation Rules. Petitioner's counsel has placed before this Court a copy of the objection petition made by petitioner on 28.8.2005 (the same is made part of the record). Therefore, second respondent should consider the objections forthwith. In this Writ Petition, no relief can be granted to the petitioner, especially when provisional or final list of voters pertaining to Ward Nos.37 and 44 are not placed before this Court.

The Writ Petition with the above observations is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

2.9.2005

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Note: Issue operative portion of order by

Wire at party's cost.

(B.O)

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